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OFFICE OF PETITIONS

In re Application of :
Martin Dubs et al : DECISION ON PETITION UNDER
Application No. 09/484,421 : 37 CFR 1.313(c)(1)
Filed: January 18, 2000 :
Attorney Docket No. 622/48561 :

This is a decision on the "Petition to Withdraw Application from Issue under 37 C.F.R. § 1.313(b)(5)," filed August 24, 2004, which is being treated as a petition under 37 CFR 1.313(c)(1) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue due to unpatentability of one or more claims. See 37 CFR 1.313(c)(1).

Petitioner is advised that the issue fee paid on August 4, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (703) 305-8680 (effective September 27, 2004, the new number will be (571) 272-3218).

The matter is being referred to Technology Center AU 1745 for appropriate action on the concurrently filed amendment.



Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).